

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DARRELL WAYNE STEPHENS

Plaintiff,

v.

No. 2:14-cv-17467

CHIEF STEPHEN STEPHENS,
CORRECTIONAL OFFICER JOHN ALLEN,
CORRECTIONAL OFFICER TOM ALLEN,
and CORRECTIONAL OFFICER ROGER
HARRIS

Defendants.

MEMORANDUM OPINION AND ORDER

The court having received the proposed findings and recommendation of the United States Magistrate Judge filed on May 19, 2016, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by any party to the proposed findings and recommendation; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the proposed findings and recommendation of the magistrate judge be, and they hereby are, adopted by the court.

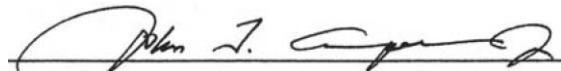
The court, accordingly, ORDERS that the requests for declaratory and injunctive relief made in the plaintiff's Second

Amended Complaint be, and they hereby are, denied as moot. Because the plaintiff's requests for declaratory and injunctive relief were brought against the defendants in their official capacities, and no other relief is sought against defendants in their official capacities, it is further ORDERED that plaintiff's claims against defendants in their official capacities be, and they hereby are, dismissed.

The court further ORDERS that this matter be, and it hereby is, re-referred to the magistrate judge for further proceedings consistent with this opinion, including consideration of pending discovery motions.

The Clerk is directed to forward copies of this order to the plaintiff, all counsel of record, and the magistrate judge.

DATED: June 15, 2016



John T. Copenhaver, Jr.
United States District Judge